REMARKS

The Examiner is thanked for his/her careful and very thorough Office Action. The Examiner is particularly thanked for the helpful suggestions regarding correction of the alleged informalities.

Claims 1 – 5, 9 – 12, 14 – 19, and 23 – 26 have been rejected. By the foregoing amendments, various Claims are sought to be amended or canceled without prejudice.

Note that the amendments to Claim 20 and 27 are intended to be <u>purely formal</u> amendments, and are believed not to change the scope of these claims.

The Examiner has stated that Claims 6 – 8, 13, 20 – 22, and 27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

The foregoing amendments to the specification are submitted to improve clarity, and to remove various typographical and other minor informalities. These changes are respectfully asserted not to introduce new matter, and their entry is respectfully requested.

Art Rejections

The art rejections are all respectfully traversed.

I. Review of the References

Some of the major technical differences between the references applied and the disclosure of the present application will now be reviewed. Of course, these points in the specification do not define the scope or interpretation of any of the claims; they are listed merely to help appreciate the importance of the claim distinctions that will be reviewed thereafter.

If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out very specifically where such teaching may be found.

The Examiner's major argument of rejection is that Lee discloses "transmitting information 210 related to *the intended use of the data* in a client application from the client computer to the server" [Emphasis added] (*see page 3, Lines 1-2 of office action*) and "the information related to *the intended use of data* is transmitted to the server and this transmitted information is used by the server application program to modify the data" [Emphasis added] (*see page 4, line 4-6 of office action*). Therefore, according to Examiner's analysis, Lee teaches an image display system comprising a visual server "having image processing capability where the visual server is configured to *selectively receive image-modifying data* corresponding to a generated image", and "generate a modified image based upon the *image-modifying data*" [Emphasis added] (*see page 3 last paragraph to page 4 first paragraph of office action*). The premise of the Examiner's reasoning above is that Lee's teaching of "the intended use of data" transmitted from client to server is either equivalent to or implies applicant's **selective generated** "image-modifying data" transmitted from client to server.

Whether the data is the same is unimportant, because the Examiner failed to consider the limitation of "selectively generates." Lee's "the intended use of data" differs in three aspects from "image-modifying data": (1) the data's "intended use" data is not selectively received; (2) the client does not selectively generate image-modifying data; and (3) the client does not receive a compressed modified image for decompression and viewing on the client.

Lee does not define what "the intended use of data" accomplishes. However, this can be derived from and should be interpreted according to the

specification of the reference. Lee states that "information related to the intended use of data is transmitted to the server and this transmitted information is used by the server application program to modify data" (*Lee, col. 3, lines 18-21*). Lee qualifies this concept by giving a possible implementation scenario starting at col. 3, line 42, where Lee seems to say that "the intended use of data" is implemented by using a preference list, and "System preferences may be set up to specify, for example, preferred formats. Thus, when a web browser makes a request to the web server, the web server may make assumption based on the client computer preference list." (*Lee col. 3, lines 51-54*). Then Lee proceeds with an example illustrating how this can be done in web browser context:

> "Typically, in the present invention, the computer preference list is used as information related to the intended use of the client application or utilized in conjunction with the user's intended use in order to make judgments on ***how the data from the server will be output and sent to the client computer***" [Emphasis added] (*Lee, col. 3, lines 63-67*).

Lee further gives examples to qualify its meaning: "printing versus viewing an image file" (*Lee, col. 4, lines 55-56*), "whether the data will be sent to a PDA" or "a computer or TV monitor" (*Lee, col. 7, lines 2-5*). To summarize, it does not appear that the visual content is changed, but rather only its format. The data appears to comprise its accuracy, completeness, timeliness, relevance, and interpretability in the context of its fitness for use. In other words, it is about whether the quality of the data "good enough" for its intended purpose. Specifically in Lee, when client sends "the intended use of data", the client is informing the server of intended purpose of the requested data so that the server can modify the format of the data, but the context or information of the data remains constant i.e. the visual image picture.

Contrastingly, the "selectively generated image-modifying data" generates a modified image based upon the image-modifying data, compresses the image or image data with a specific compression/decompression algorithm, and transmits the modified image as compressed data back to the client for viewing, which can include a full image modified with the image-modifying data, or the visual server can solely generate the data in a specified format for the modified image." (*Application, page 7, lines 27-29*). Thus the selected data can further instruct the server generate a modified image based on a previous image, changing the context or information contained in the image i.e. the visual image picture changes.

Data is selectively generated and sent to the visual server to either modify an image by changing the syntactic representations (or formatting) of an image, or to modify its context or information leading to a different visual image. This is implied in the specified examples of its application in gaming or multimedia application (*Application, page 7, line 23*), wherein a series of images are involved instead of just one image (*Application, page 8, lines 12-15*). This is also stated as a "commercial advantage in that the client can interactively generate complex graphical images to a user" (*Application, page 5, lines 24-25*) by generating "only the data necessary to render an image at the client, and does not need to fully produce an image at the visual server" (*Application, page 7 line 30 to page 8 line 2*) or when "a specific amount of image-modifying data is ready to be sent" (*Id.*).

Further, the data sent to is for "the intended use of data," and is used by the client in Lee to convey to the server the use of the image, with the server deciding and controlling how to optimize the data (*Lee, col. 5, lines 16-18*) (Based on the available information from the client application, the server application makes decisions on how to optimize the data); *See also col. 6, lines*

17-19 (the adjustment to the brightness of the image or colorspace will be made automatically by the server applications program); (See also col. 6, lines 45-48) (based on the information transmitted, the server makes choices about how the data will be optimized for its intended use in the client application.) Therefore, in Lee, the client sets the objective, and the server determines the details of how to achieve this objective. The client application in Lee is not involved in the decision making.

Contrastingly, the server in the current application is not allowed to make a decision. It must follow the selected instructions sent by the client and contained in "image-modifying data" (*Application, page 7, lines 27-30 and page 9 line 27 to page 10 line 2*). That is because one of the objectives of current inventions is to borrow the computing power of the server "without the need for significant client resources" (*Application, page 5, line 25-26*), different from that of "reductions in the amount of data transferred" in Lee (*Lee, col. 2, lines 29-30*). The client selects the data necessary for the server to generate an image with modified elements i.e. the visual image changes. The modification necessarily changes image context or information, modifying more than the formatting of the data and changing the visual image. Performing image modification at the server conserves resources at the client, and selecting only the data required for the modification to send to the server conserves transmission bandwidth and processing resources on both the server and the client.

In sum, Lee operates differently from current application. Lee fails to teach or suggest an image display system comprising a visual server "having image processing capability where the visual server is configured to selectively receive image-modifying data corresponding to a generated image", and "generate a modified image based upon the image-modifying data".

II. Rejections Under 35 USC 102(e)

Claims 1 – 5, 9 – 12, 14 – 19, and 23 – 26 stand rejected under 35 USC Section 102(b) as anticipated by Lee et al (6,658,167; hereinafter Lee).

The Examiner rejected Claims 1, 5, 9, 12, 14 and 26 based on the rationale that Lee teaches or suggests all limitations contained in those Claims, including the following two limitations: "the visual server is configured to selectively receive image-modifying data corresponding to a generated image" and "generate a modified image based upon the image-modifying data".

Those two cited limitations are common in Claims 1, 9, 14, and 23. Claims 1 is reproduced here as representative for the purpose of discussion:

1. (Amended)   An image display system, comprising:

a visual server having image processing capabilities wherein the visual server selectively receives image-modifying data corresponding to a generated image, generate a modified image based upon the image-modifying data, and transmit the modified image as compressed data; and

at least one client in selective communication with the visual server, the client including an image display, the client selectively generates image-modifying data and transmits the image-modifying data to the visual server, and the client receives as compressed data from the visual server an image modified based upon the transmitted image-modifying data, decompresses the compressed image data, and displays the decompressed image on the client image display.

The claim language of Claims 1, 9, 14, and 23 is not met. Specifically, for example, Claim 1 recites, "the visual server selectively receives image-modifying data corresponding to a generated image". The Examiner states that the rationale for rejecting this limitation is based on Lee's disclosure of transmitting information related to the intended use of the data in a client application from the client computer to the server. However, Applicant respectfully submits that, since "image-modifying data" is necessarily different from "the intended use of data" (see discussion in previous section) and must be "selective," that Lee cannot disclose the claimed invention. The data in Lee is different and is not selectively transmitted to the server as claimed. Since this limitation is common to all Claims 1, 9, 14, and 23, the claim language in claims 1, 9, 14, and 23 of "the visual server is configured to selectively receive image-modifying data corresponding to a generated image" is not met.

Claim 1, 9, 14, and 23 also recite features not shown or suggested by Lee. Specifically, for example, Claim 1 recites, "generate a modified image based upon the image-modifying data". The Examiner states that the rationale for rejecting this feature is based on Lee disclosure that the information related to the intended use of data is transmitted to the server and this transmitted information is used by the server application program to modify the data. Applicant respectfully submits that, since the context of the "image-modifying data" (that is, its applications) in the server is different from that of "intended use of data" in the server as discussed in the previous section, and since this feature is common to all Claims 1, 9, 14, and 23, the feature of Claims 1, 9, 14, and 23, to "generate a modified image based upon the image-modifying data" is not taught or suggested by Lee.

Finally, dependent Claims 2-5, 10-12, 15-19, and 24-26 which depend directly from independent Claims 1, 9, 14 and 23 and incorporate all the limitations thereof, also include additional limitations that are not shown or suggested by Lee. Therefore, these claims are believed allowable.

Thus, for these reasons, and for the reasons discussed above, Applicant respectfully requests withdrawal of this rejection.
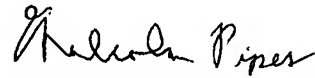
III. INTERVIEW SUMMARY

A telephone conference was held on November 20, 2007 between Examiner Dalencourt and Mr. Malcolm Pipes and Mr. Robert Groover. Agreement was reached that the cited Lee reference did not have any teachings as to selectively selecting image modifying data. Clarifying amendments were agreed to by the Examiner and counsel emphasizing the selectiveness of the data, which the Examiner agreed traversed Lee.

Conclusion

Thus, all grounds of rejection and/or objection are traversed or accommodated, and favorable reconsideration and allowance are respectfully requested. The Examiner is requested to telephone the undersigned attorney or Robert Groover for an interview to resolve any remaining issues.

January 9, 2008   Respectfully submitted,

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